

FEB 06 2008

PATENT
Docket No.: ST02009CIP1(245-US-CIP1)
11/632,051

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Steve Gronemeyer

DOCKET NO.: ST02009CIP1(245-US-CIP1)

SERIAL NO.: 10/632,051

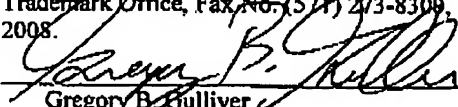
GROUP ART UNIT: 2618

DATE FILED: July 30, 2003

EXAMINER: Nguyen, Duc M.

TITLE: SERIAL RADIO FREQUENCY TO BASEBAND INTERFACE WITH POWER
CONTROL**Certificate of Transmission**

I hereby certify that this correspondence (along with any paper referred to as being attached or enclosed) is being facsimile transmitted to the United States Patent and Trademark Office, Fax No. (571) 273-8300, on February 6, 2008.


Gregory B. Gulliver

February 6, 2008

The Eclipse Group LLP
10605 Balboa Blvd.,
Suite 300
Granada Hills, CA 91344

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Applicant requests review of the final rejection of the above-identified application mailed August 6, 2007. This request is being filed with a notice of appeal and a petition for extension of time. No amendments are being filed with this request.

1. Issue Presented for Review

Applicant requests review on the basis of a clear legal deficiency in the Examiner's rejections of claims 1-33. In rejecting the above-identified application, the Examiner clearly erred by rejecting claims 1-13 under 35 U.S.C. § 103(a) as being unpatentable by Kerth et al

PATENT
Docket No.: ST02009CIP1(245-US-CIP1)
11/632,051

(US 2002/0132648) in view of Molnar (US2002/0142741); claims 14-20 and 22-33 under 35 U.S.C. 103(a) as being unpatentable by Kerth et al (US 2002/0132648, hereafter the Kerth application) in view of Molnar (US2002/0142741, hereafter the Molnar application) and in further view of Syrjarine et al (US 2003/0107514, hereafter the Syrjarine application); claim 21 was objected to and found to have allowable subject matter if rewritten to included all of the limitations of base claims. Specifically, the combination of the Kerth application with the Molnar application is improper and fails to teach or suggest the elements of Applicant's claims.

2. Summary of Prosecution

The claimed subject matter concerns power control in a receiver having a baseband interface. An example embodiment is shown in FIG. 2, which illustrates a satellite positioning system receiver that includes an RF processing section coupled to a baseband processing section by an interface that includes a message serial interface and a data serial interface with power control. An example of the power control is described in the specification on page 12, paragraph [0036] as; "a power control signal may be connected for example, to a voltage regulator enabled pin in the RF section 202 to provide a coarse power-up / power-down control over the majority of the circuitry in the RF section 202." Thus, power control is actually providing power-up and power-down control and not simple active or inactive signal state for the majority of the RF section 202.

This application was filed July 30, 2003, followed by non-final and final rejections after which an advisory action was issued. As stated above, the Examiner rejected claims 1-

PATENT
Docket No.: ST02009CIP1(245-US-CIP1)
11/632,051

20 and 22-33 under 103(a) rejections and Applicant traversed the rejection and sought the Advisory Action. On November 13, 2007 in the Advisory Action, the Examiner maintained and repeated the previous rejections from the Final Office action mailed August 6th, 2007, as well as responding to Applicant's arguments made in the Response filed October 9th, 2007.

3. Applicant's Argument

Independent claims 1, 8, 14, 22, and 28 as currently presented, include the limitation of "a bi-directional message interface for communicating a power control message from the baseband section to the RF section that is associated with power consumption of the RF section." As noted in Applicant's Response filed October 9th, 2007, "the Kerth application states in paragraph [0096] that 'as noted above, the transceiver disables the transmitter circuitry during the receive mode of operation.' There is no mention or suggestion of power consumption in the Kerth application. More importantly, [the] Kerth application is not suggesting or teaching powering down the transmitter circuitry, but rather **DISABLING** the transmitter circuitry. Thus, one skilled in the art would not look to **DISABLING** the transmitter as being associated with power consumption. If anything a person skilled in the art may look at the transceiver of the Kerth application as reusing some of the circuits for both transmitting and receiving while other circuits are disabled." (see Final Office Response dated October 9th, 2007, page 9, lines 14-21). Further, the term "power control" does not even appear in the Kerth application.

PATENT
Docket No.: ST02009CIP1(245-US-CIP1)
11/632,051

In response to Applicant's argument, the Examiner erroneously refers to the Kerth application as disclosing power control and states that "the Applicant fails to provide reason or does not explain clearly why disabling the transmitter circuitry is NOT associated with power consumption. In fact, the Examiner asserts that disabling the transmitter circuitry is clearly associated with power consumption and would [be] equivalent to power down the transmitter circuitry..." (see page 2, Advisory Action mailed November 13, 2007, last paragraph).

The Examiner is reading "power control" into the Kerth application that is directed towards "reducing interference effects between the receiver analog circuitry and the receiver digital circuitry", (see abstract of the Kerth application). There is no suggestion that circuits are powered-down, only disabled. This is shown in the Kerth application when a signal line is called a power-down (PBNB) signal in paragraph [0093] and defined to "configure the functionality of the interface signal lines... rather than using the PDNB signal, one may [use] other signals to control the configuration of the interface signal lines." There is just no explicit or even implicit teaching that the PDNB signal is being used to actually power down, or control the powering down of anything in the RF section.

Therefore, if power control is not describe or taught by the Kerth application and it is not found in the Molnar application (which was not cited for power control), then the combination of the references fails to describe or teach all of Applicant's claim elements as currently presented. Similarly the combination of the Kerth application, Molnar application, and Syrjarine application, fails to describe or teach all of Applicant's claim elements.

FEB 06 2008

PATENT
Docket No.: ST02009CIP1(245-US-CIP1)
11/632,051

Specifically the element requiring a power control message associated with power consumption.

For the reasons stated above, applicant respectfully submits that claims 1-33 as currently presented are in condition for allowance because not all claim elements are taught or described in the combined references, there is no likelihood of success in combining the elements to achieve the claimed invention, and there is no suggestion to combine the references when the resulting device would be missing claim elements.

In conclusion, a limitation is not met by the combined references and therefore this matter is appropriate for panel review. Accordingly, applicant respectfully submits the foregoing request for review.

Respectfully submitted,
Steven Gronemeyer

Date: February 6, 2008

By: 

Attorney for Assignee

Gregory B. Gulliver, Reg. No. 44,138
The Eclipse Group LLP
100 Tristate International, Suite 128
Lincolnshire, IL 60069
Phone: (847) 282-3551
Fax: (949) 608-3645

Customer No. 34408